



Crl.A.No.299 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:05.02.2025

Coram:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.No.299 of 2022

Rajaraman,M/73,
S/o Renganathan,
No.47/28, Vellantheru,
Mayiladuthurai.

..Appellant/Respondent/Complainant

/versus/

Murugadoss
S/o Govindarajulu Naidu,
Main Road,
Thathankudy,
Tharangambadi Taluk.

..Respondent/Appellant/Accused

Criminal Appeal has been filed under Section 378(4) of Criminal Procedure Code, to call for the records and set aside the order of acquitting the respondents/accused order passed in C.A.No.43 of 2017 dated 10.07.2019 on the file of Sessions Court, Nagapattinam, by reversing the conviction order passed in C.C.No.187 of 2013, dated 06.07.2017 on the file of Fast Track Court/Judicial Magistrate, Mayiladuthurai, Nagapattinam District and allow the criminal appeal.



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For Appellant :Mr.R.Shivakumar for
M/s K.M.Vijayan Associates

JUDGMENT

The appellant, who is the defacto complainant filed a case under Section 138 of Negotiable Instruments Act, 1881 against the respondent/accused in C.C.No.187 of 2013 before the Fast Track/Judicial Magistrate, Mayiladuthurai, Nagapattinam District.

2. The trial Court, by judgment dated 06.07.2017 convicted the respondent under Section 138 of the Negotiable Instruments Act, 1881 and sentenced him to undergo for a period of six months simple imprisonment and to pay a fine of Rs.4,50,000/- as compensation. The period of sentence already undergone by the accused was set off. Aggrieved against the same, the respondent preferred an appeal before the Sessions Court, Nagapattinam in C.A.No.43 of 2017. The learned Sessions Judge, by judgment dated 10.07.2019 allowed the appeal by setting aside the judgment of conviction and sentence passed by the trial Court. Against which, the present Criminal



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Appeal filed by the complainant.

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3. The contention of the appellant is that during pendency of the appeal, the respondent passed away and the same reported to the Court.

4. It is seen from the records that this Court received a report from the Judicial Magistrate, Fast Track Court, Mayiladuthurai in D.No.26/2022 dated 30.05.2022 confirming the death of the respondent-Murugadoss, S/o Govindarajulu Naidu, on 17.04.2021. The death certificate also produced to that effect. The Inspector of Police, Perambur Police Station was also given a report confirming the same.

5. The learned counsel appearing for the appellant submitted that he sent a communication to the appellant informing him about the status of the respondent and the same was returned on 23.04.2022 indicating that the appellant had left the place of Mayiladuthurai and his whereabouts are not known. He produced a copy of the notice sent to the appellant along with the returned postal cover. In any event, after the death of the respondent,



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who is the accused in this case, the legal heirs of the respondent could not arise.

6. In view of the same, this Court finds that nothing survives in keeping the appeal pending and the charges against the respondent are abated due to the death of the respondent.

7. Accordingly, this Criminal Appeal is dismissed.

05.02.2025

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Index:yes/no

Speaking order/non speaking order

Neutral citation:yes/no

To

1.The Sessions Court, Nagapattinam.

2.The Fast Track Court/Judicial Magistrate, Mayiladuthurai, Nagapattinam District

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M.NIRMAL KUMAR,J.

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